

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Flint Million,

Court File No.: _____

Plaintiff,

v.

NOTICE OF REMOVAL

Life Wellness Center, Inc., a
Minnesota business corporation,

Defendant.

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Life Wellness Center, Inc. (“Life Wellness”) removes this action from the District Court of the First Judicial District of the State of Minnesota, County of Dakota, on the following grounds:

1. On October 14, 2013, Plaintiff Flint Million (“Plaintiff”) provided a receptionist at Life Wellness with the complaint (“Complaint”) in this action through a third party by hand delivery. Although the case has not been filed, the case caption of the Complaint indicates that it is being brought in the First Judicial District of the State of Minnesota, County of Dakota. Pursuant to 28 U.S.C. § 1446(a), a copy of the Complaint and all other process, pleadings, and orders served upon Life Wellness are attached as Exhibit A.

2. In accordance with 28 U.S.C. § 1446(b)(1), Life Wellness is filing this Notice of Removal within thirty days of the service and its receipt of the Complaint.

3. Promptly after filing this Notice of Removal, Life Wellness will give written notice of the removal to the Plaintiff through his attorney of record, as well as to

the Clerk of the Court of the First Judicial District of the State of Minnesota, County of Dakota, as required by 28 U.S.C. § 1446(d).

5. This case may be properly removed to this United States District Court pursuant to 28 U.S.C. §§ 1332 and 1441(a). The First Judicial District of the State of Minnesota, County of Dakota, is located within the District of Minnesota.

6. The Complaint, *inter alia*, alleges discrimination in violation of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*

7. Removal of this action is premised on federal question jurisdiction based upon 28 U.S.C. § 1441(a) and (b) in that this is a civil action brought in a state court of which the district courts have original jurisdiction under 28 U.S.C. §§ 1331 and 1441.

8. A copy of this Notice of Removal is being filed with the clerk of the District Court of the First Judicial District for the County of Dakota, Minnesota, and served upon all parties as required by 28 U.S.C. § 1446(d). A copy of the Notice is attached hereto as Exhibit B.

WHEREFORE, Life Wellness hereby removes the state court action filed by Plaintiff from the First Judicial District of the State of Minnesota, County of Dakota, to this Court.

Dated: November 4, 2013.

FELHABER, LARSON, FENLON & VOGT, P.A.

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